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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,917	03/05/2002	Jeroen Arnoldus Leonardus Johannes Raaymakers	NL010148	6583

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

EDUN. MOHAMMAD N

ART UNIT PAPER NUMBER

2655

DATE MAILED: 03/25/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,917

Applicant(s)

RAAYMAKERS, JEROEN
ARNOLDUS LEONARDUS J

Examiner

MUHAMMAD N EDUN

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 and 5-20 is/are rejected.
7) ☒ Claim(s) 4 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: Claims are being referred to in several pages of the specification. For example page 2, line 12; page 3, lines 5 and 6; page 4, lines 8 and 9 etc.. It would be confusing to refer to claims since the final draft of the claims has not been established. Further the new numbering at the time of allowance are also not established.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 6, 9-11, 13-17, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5, 6, 9-11, 13-17, 19 and 20, are all deemed improper, because the dependency of the claims are improper. Some of the claims depend on itself, while

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other claims depend on claims that do not exist. Applicant is therefore required to review all of the claims for their correct dependency, and make the appropriate correction.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirai et al. (6,545,958)

Hirai et al. discloses the invention as claimed. Figs. 1-42 show an optical disk apparatus having a tilt control device for controlling inclination of the recording surface of the optical disk comprising: the tilt detection means (Figs. 8A, 8B, 9A and 9B) for detecting the inclination of the recording surface (6); the focus control means (not

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specifically describe but inherent to the apparatus, for example column 23, lines 10-15, describes detecting the S-shape focus error signal by lifting and lowering the objective lens (4), which would be part of the focus control section; see also column 23, lines 29-33); the focus actuating means (again not specifically described, but causes the movement of the objective lens to be lifted or lowered, as described in column 23, lines 10-15; and column 24, lines 30-35) for controlling a focusing state of the optical beam based on the focus control output; and calibrating means for calibrating and output offset of the tilt detecting means by using the focus controlling output (see column 22, lines 55-column 23, lines 10, which describes offset correction (recited calibrating means) in the case where the offset is included in the focus error signal due to the laser light for the tilt detection), as set forth in the claims. The reference also teaches measuring a mean focus controlling output (see column 23, line 19-22), as forth in claim 2; the focus control output (shown to be the focus error signal, see column 23, lines 10-12), as set forth in claim 3; and the tilt detection and control device (the circuit shown in Fig. 10) as set forth in claim 7. See the description of the apparatus and figures for further limitations as set forth in the claims.

Claims 12 and 18 are rejected under 35 U.S.C. 102(B) as being anticipated by Yutaka (JPA 10083549).

Yutaka discloses the invention as claimed. The abstract and the figure referred to in the abstract shows the tilt control device having: the focus control means (focus

voltage) for generating a focus controlling output; the focus actuating means (inherently included in the optical pickup 11 for moving the lens to the focusing position) for controlling a focusing state of the optical beam based on the focus controlling output; and the tilt control means (10) for adjusting a tilt frame based on measurements of the controlling output of the focus control means at least two different radial positions at two tilt frame positions (see the abstract which describes, that the optical pickup is placed in the inner peripheral side of the disk (first radial position) , a focus control operation is performed and the value of a focus voltage applied to the driving coil (focus actuating means) of the objective lens is stored in memory, then similar focus control operation are performed in the middle and outer peripheral side (other radial positions) are stored, then a driving signal is calculated from the average of these focus voltage (recited focus control means) is supplied to a tilt motor (10), the revolution of the tilt motor changes the inclination of the pickup and thereby the pickup is adjusted to an optimal angle), as set forth 12 and 18.

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art or record alone or in combination does not teach or suggest the device of claim 1 having the further limitations along with the specifics structure of the elements and arrangement as set forth in claims 4.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Son et al. (6,282,161) discloses an optical disk apparatus capable of adjusting the tilt of the optical head with respect to the optical disk.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUHAMMAD N EDUN whose telephone number is 703-308-1550. The examiner can normally be reached on FLEXTIME.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DORIS TO can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MUHAMMAD N EDUN
Primary Examiner
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